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[*without reference to a Main Committee (A/71/L.80 and Add.1)*]

71/322. Strengthening and promoting effective measures and international cooperation on organ donation and transplantation to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the 2030 Agenda for Sustainable Development,[2] and recognizing its integrated and indivisible nature,

Reaffirming the commitments by Member States to take immediate and effective measures to eradicate all forms of trafficking in persons,

Recalling its resolutions 59/156 of 20 December 2004, entitled "Preventing, combating and punishing trafficking in human organs" and 70/179 of 17 December 2015, entitled "Improving the coordination of efforts against trafficking in persons", as well as Commission on Crime Prevention and Criminal Justice resolutions 23/2 of 16 May 2014[3] and 25/1 of 27 May 2016[4] on preventing and combating trafficking in human organs and trafficking in persons for the purpose of organ removal,

Reaffirming the United Nations Convention against Transnational Organized Crime[5] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[6]

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[1] Resolution 217 A (III).

[2] Resolution 70/1.

[3] See *Official Records of the Economic and Social Council, 2014, Supplement No. 10* (E/2014/30), chap. I, sect. D.

[4] Ibid., *2016, Supplement No. 10* (E/2016/30), chap. I, sect. D.

[5] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[6] Ibid., vol. 2237, No. 39574.

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Recognizing the need for a multidisciplinary approach, based on respect for all human rights, to combating trafficking in human organs and trafficking in persons for the purpose of organ removal,

Taking note with appreciation of the World Health Organization guiding principles on human cell, tissue and organ transplantation, endorsed by the sixty-third World Health Assembly in its resolution 63.22 of 21 May 2010,[7]

Taking note of the report of the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, on the issue of trafficking in persons for the removal of organs submitted to the General Assembly at its sixty-eighth session,[8]

Welcoming the joint study by the United Nations and the Council of Europe, entitled "Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs", and the United Nations Office on Drugs and Crime assessment toolkit, entitled "Trafficking in persons for the purpose of organ removal", and taking note of the study by the Office of the United Nations High Commissioner for Human Rights, entitled "Trafficking in persons for the removal of organs: advancing a human rights approach and engaging human rights mechanisms", and the report of the Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings of the Organization for Security and Cooperation in Europe, entitled "Trafficking in human beings for the purpose of organ removal in the OSCE region: analysis and findings",

Affirming that trafficking in persons for the purpose of organ removal and the related trafficking in human organs constitute crimes and violate and impair the enjoyment of human rights and fundamental freedoms, and stressing that it is essential to place the protection of all human rights at the centre of measures to prevent and end trafficking,

Recognizing that, although differences exist between the crimes of trafficking in human organs and trafficking in persons for the purpose of organ removal, both crimes are related to the shortage of human organs used in organ transplantation and to social and economic difficulties that make people vulnerable, and that prevention of and response to both crimes must be undertaken in an effective and coordinated manner,

Considering that the whole process of donation and transplantation of human organs, including recovery, should be an established part of national health services provided to the public, that the process should take place under conditions aimed at the protection of the rights of donors and recipients of organs and that health-care systems should be instrumental in ensuring such conditions,

Considering also that the commercial trade in human organs is prohibited in almost all Member States and that both trafficking in persons for the purpose of organ removal and trafficking in human organs have a profound impact on the health both of those who sell their organs and of victims of trafficking in persons for the purpose of organ removal, as well as on organ recipients who may fall victim to deception, and that both crimes might represent a threat to public health and may, in some cases, affect the integrity and the functioning of health-care systems,

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[7] See World Health Organization, document WHA63/2010/REC/1.

[8] See A/68/256.

Alarmed at the potential growth of exploitation, by criminal groups, of human needs, poverty and destitution for the purpose of trafficking in human organs, using force, coercion, abduction, fraud or deception,

Noting the need to protect living donors by preventing their exploitation by traffickers in human organs, including by providing potential donors and vulnerable members of society with relevant information, as well as the need to investigate, prosecute and punish those traffickers and to provide assistance to victims,

Emphasizing the importance of respecting and protecting the rights of victims of trafficking in persons for the purpose of organ removal and, when recognized in national legislation, addressing the vulnerability of victims of trafficking in human organs, and providing assistance as applicable,

Convinced of the need to strengthen local, regional and international cooperation for the effective prevention and combating of trafficking in persons for the purpose of organ removal and trafficking in human organs wherever they occur, and determined to prevent the provision of safe haven to those who participate in or profit from transnational organized crime and to prosecute such persons for the crimes they commit,

1. *Urges* Member States to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs, in accordance with their obligations under international and national law, and to uphold accountability through measures that may include preventing and, in accordance with relevant national legislation, investigating, prosecuting and punishing the unauthorized removal or implantation of organs and the illicit sale, brokering and purchase and other illicit transactions in respect of human organs, as well as trafficking in persons for the purpose of organ removal;

2. *Urges* Member States that have not yet done so to ratify or accede to, as a matter of priority, the United Nations Convention against Transnational Organized Crime[5] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[6] taking into consideration the central role of those instruments in the fight against trafficking in persons, and urges States parties to those instruments to implement them fully and effectively;

3. *Urges* Member States to consider adopting the following measures related to organ transplantation, in accordance with the fundamental principles of their domestic legal systems and national legislations and in line with the World Health Organization guiding principles on human cell, tissue and organ transplantation:[9]

(*a*) Strengthening legislative frameworks, including by reviewing, developing or amending them, as appropriate, to prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs, which may include prosecution for illicit sale, brokering and purchase and other illicit transactions in respect of human organs;

(*b*) Adopting appropriate legislative measures necessary to guarantee that the donation of organs is guided by clinical criteria and ethical norms, based on the donors' informed and voluntary consent, as an altruistic act, performed without any monetary payment or other reward of monetary value, which does not preclude reimbursing reasonable and verifiable expenses incurred by donors;

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[9] World Health Organization, document WHA63/2010/REC/1, annex 8.

(*c*) Ensuring equitable access to human organ transplantation, on the basis of non-discrimination, and increasing public awareness and understanding of the benefits resulting from the voluntary non-remunerated provision of organs from deceased and living donors, and of the physical, psychological and social risks to individuals and communities caused by trafficking in human organs and transplant tourism;

(*d*) Ensuring that the removal of human organs from both deceased and living persons, as well as the transplantation of human organs, exclusively take place in centres specifically authorized by the relevant national health authorities and are not performed outside the framework of domestic transplantation systems or in situations where the transplantation is performed in breach of the guiding principles or national transplantation laws or rules;

(*e*) Developing and strengthening regulatory oversight of the medical facilities and medical professionals involved in the transplantation of human organs, including through control measures, such as periodic audits;

(*f*) Setting specific processes and criteria for the authorization of every organ removal and transplantation procedure;

(*g*) Developing registries, with due regard to professional confidentiality and personal data protection in respect of both donors and recipients, that include information regarding each organ recovery and transplantation procedure and follow-up with living donors and recipients of organs, with the purpose of ensuring the transparency of practices, traceability and the quality and safety of human organs;

(*h*) Promoting the voluntary contribution of periodic information to international registers for organ donation and transplantation activity, such as the Global Observatory on Donation and Transplantation developed in collaboration with the World Health Organization;

(*i*) Providing long-term medical and psychosocial care for both living donors and recipients;

4. *Encourages* Member States to exchange experience in and information on preventing, combating and punishing the illicit removal of and trafficking in human organs and trafficking in persons for the purpose of organ removal, as well as on the protection of victims, as appropriate;

5. *Also encourages* Member States to progress towards self-sufficiency in the transplantation of human organs by developing strategies aimed at decreasing the incidence of diseases treatable through transplantation, and at ethically increasing the availability of human organs for transplantation purposes, with special attention to maximizing donations from deceased donors and to protecting the health and welfare of living donors;

6. *Further encourages* Member States to develop effective organ donation and transplantation systems and provide technical assistance for their implementation in requesting countries;

7. *Encourages* Member States to provide training and capacity-building for law enforcement and border control officials, as well as for medical, health and care centre professionals, on identifying potential cases, including on the Internet, of trafficking in human organs and trafficking in persons for the purpose of organ removal and on the need to certify the origin of organs to be transplanted and to report suspected or confirmed illegal practices;

8. *Also encourages* Member States to strengthen international cooperation in responding to the crimes of trafficking in persons for the purpose of organ removal and trafficking in human organs, as provided for in relevant and applicable law, including domestic and international law;

9. *Urges* Member States to further develop, in their domestic legislation, ways of protecting victims of trafficking in persons for the purpose of organ removal and, as appropriate, ways of addressing the vulnerability of those individuals who sell their organs, including by considering the following measures:

(*a*) Adopting all necessary measures, including legal measures, to protect the rights and interests of victims in the course of all phases of criminal prosecution and judicial proceedings;

(*b*) Facilitating the access of victims of trafficking in persons for the purpose of organ removal and, as appropriate, of those individuals who sell their organs to appropriate information related to their case, as well as to the necessary protection of their health and other rights that are at stake, including their right to anonymity;

(*c*) Providing medical and psychosocial care to victims in the short, medium and long term;

(*d*) Ensuring that domestic legal systems contain measures that offer victims the possibility of obtaining effective compensation for the damage suffered;

(*e*) Promoting the creation of governmental mechanisms and providing support to specialized non-governmental organizations, as appropriate, to address the needs of groups at risk of trafficking in human organs and trafficking in persons for the purpose of organ removal, in order to facilitate the provision of holistic and early care to potential or actual victims of those crimes, and ensuring that all support measures are non-discriminatory, gender-, age- and culturally sensitive and comply with their international human rights obligations and national legislation;

10. *Requests* the World Health Organization, in collaboration with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights, among other relevant bodies, to develop international guidelines on the health, criminal and human rights aspects relating to trafficking in persons for the purpose of organ removal and trafficking in human organs;

11. *Requests* the United Nations Office on Drugs and Crime to engage in a dialogue with members of the Inter-Agency Coordination Group against Trafficking in Persons and other relevant intergovernmental international organizations, in particular the World Health Organization, in close consultation with Member States, so as to enable the Office to improve data collection and analysis on instances of trafficking in persons for the purpose of organ removal and relevant prosecutions, and to promote research among diverse fields, such as the medical and health management fields, as well as on the part of the anti-trafficking community, while bearing in mind that data on trafficking in persons for the purpose of organ removal are being gathered for the *Global Report on Trafficking in Persons*, in accordance with the provisions set out in General Assembly resolution 70/179;

12. *Also requests* the United Nations Office on Drugs and Crime, in collaboration with other entities of the United Nations system, including the World Health Organization, to continue providing capacity-building and technical assistance to States, upon request, to assist them in strengthening national capacities to effectively prevent and combat trafficking in persons for the purpose of organ removal and trafficking in human organs;

13. *Invites* Member States and other donors to provide extrabudgetary resources to the United Nations Office on Drugs and Crime for the purposes of implementing the present resolution, and to the World Health Organization for the drawing up of international guidelines on the health ramifications of the crimes of trafficking in persons for the purpose of organ removal and trafficking in human organs, on the basis of the World Health Organization guiding principles on human cell, tissue and organ transplantation and in accordance with the rules and procedures of the United Nations, for submission to the General Assembly for consideration at its seventy-third session.

96th plenary meeting
8 September 2017